

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

CHRISTOPHER SMITHHART,

Petitioner,

v.

Civil Action No.
3:06CV11

DOMINIC GUTIERREZ,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION ON
PETITIONER'S MOTION FOR INJUNCTIVE RELIEF
AND FOR RELEASE ON BOND

This matter is now before the Court for consideration of the Report and Recommendation of Magistrate Judge James E. Seibert on Petitioner's Motion for Injunctive Relief and for Release on Bond (Doc. No. 11), dated March 24, 2005. Neither party filed objections to the Report and Recommendation of the Magistrate Judge. Pursuant to 28 U.S.C. § 636(b)(1), this Court conducted a de novo review of the above. As a result, the Court is of the opinion that the Magistrate Judge's Report and Recommendation (Doc. No. 11) should be, and is hereby, **ORDERED** adopted.

Accordingly, it is further **ORDERED** that:

1. **Petitioner's Motion for Temporary Restraining Order and/or Protective Order (Doc. No. 8) is DENIED; and**
2. **Petitioner's Motion for Release on Bond (Doc. No. 8) is DENIED.**

It is so **ORDERED**.

ORDER ADOPTING REPORT AND RECOMMENDATION ON
PETITIONER'S MOTION FOR INJUNCTIVE RELIEF
AND FOR RELEASE ON BOND

The clerk is directed to transmit copies of this Order to the petitioner and all counsel of record.

Dated this 21st day of December, 2006

/s/ Irene M. Keeley
IRENE M. KEELEY